

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ABDUL AFIZ, a/k/a MIRON TAYLOR,)	
Register No. 350138,)	
)	
Plaintiff,)	
)	
v.)	No. 08-4119-CV-C-SOW
)	
MATT BLUNT, et al.,)	
)	
Defendants.)	

ORDER

On June 17, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the amended complaint, treated as exceptions, filed by plaintiff on July 9, 2008. Plaintiff's amended complaint does not cure the deficiencies in his complaint. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted. Plaintiff's claims are dismissed, without prejudice to refiling upon payment of the filing fee in full.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of June 17, 2008, is adopted. [4] It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g).

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: July 18, 2008